REMARKS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested. Claims 1 – 32 are pending. Claims 1, 4, 11-13, 15-16, 21, and 29 are amended. No new matter is added. In general, Applicants have incorporated a concept from claim 11 into the independent claims and reserves the right to pursue broader claims in a continuation application.

Rejection of Claims 1-32 Under 35 U.S.C. §103(a)

The Office Action rejects claims 1-4, 8-9, 15, 18-19, 13, 21-23 and 27-29 under 35 U.S.C. §103(a) as being unpatentable over Komori et al. (U.S. Patent No. 7,050,974) in view of Gong (U.S. Patent 6,151,573) ("Gong"). Applicants respectfully submit that the claims as amended are patentable over the prior art of record as explained next.

Applicants have amended claim 1 to recite an automatic speech recognition system that comprises a memory that stores a user profile having data related to user vocal information and at least one of a communication device transducer and a probability value associated with a probability value associated with a probability of the user being in a particular acoustic environment. The controller coupled with the memory receives the user profile and then compensates the at least one speech recognition model based on the user profile. Applicants submit that this claim is patentable and in condition for allowance. Applicants note that previously the reference to user account information was found in claim 11. Claim 11 was rejected on page 8 of the Office Action in view of Komori et al., Gong and U.S. Patent No. 6,434,526, Cilurzo et al. ("Cilurzo et al."). The Office Action appropriately acknowledges that Komori et al. in view Gong do not teach personal user account information. However, the Office Action asserts that Cilurzo et al. teach such account information at column 5, lines 27-64. The Office Action further asserts that it would be obvious to one of skill in the art at the time of the

invention to modify Komori et al. and Gong with the information from Cilurzo et al. in order to provide multiple users with access to a network speech recognizer having capacity that can be expanded dynamically, citing Cilurzo et al., column 2, lines 22-51.

To establish a *prima facie* case of obviousness, the Examiner must meet three criteria. First, there must be some motivation or suggestion, either in the references themselves, or in the knowledge generally available to one of ordinary skill in the art, to combine the references. Second, there must be a reasonable expectation of success, and finally, the prior art references must teach or suggest all the claim limitations. The Examiner bears the initial burden of providing some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." MPEP 2142.

Furthermore, if the examiner determines there is factual support for rejecting the claimed invention under 35 U.S.C. 103, the examiner must then consider any evidence supporting the patentability of the claimed invention, such as any evidence in the specification or any other evidence submitted by the applicant. The ultimate determination of patentability is based on the entire record, by a preponderance of evidence, with due consideration to the persuasiveness of any arguments and any secondary evidence. *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). The legal standard of "a preponderance of evidence" requires the evidence to be more convincing than the evidence which is offered in opposition to it. With regard to rejections under 35 U.S.C. 103, the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a *prima facie* case of obviousness) is more probable than not. MPEP 2142.

The test for obviousness is what the combined teachings of the references would have suggested to one of ordinary skill in the art, and all teachings in the prior art must be considered to the extent that they are in analogous arts. Where the teachings of two or more prior art references conflict, the examiner must weigh the power of each reference to suggest solutions to one of ordinary skill in the art, considering the degree to which one reference might accurately discredit another. *In re Young*, 927 F.2d 588, 18 USPQ2d 1089 (Fed. Cir. 1991). MPEP 2143.01.

With these principles in mind, Applicants note that they do not acquiesce to the obviousness conclusion to combine any references in the Office Action. Applicants respectfully submit that the combined references fail to teach each limitation of the claims and therefore the claims are patentable.

Notably, Cilurzo et al., in column 5, lines 24-64, teach a registration process for accessing an application over the internet. First, the user selects internet provider and if the user is not registered there is an entry procedure which must take place. After entry to the internet service has been granted the user is allowed to bring up a selection list and select from a number of services presented on the list. When the user selects a restricted service such as mechanical medical recording service, the user by screens shown such as screen 5(c) is asked to enter a user ID and password. If not registered, the user must sign up to the service and when approved be given an ID to select a password. With an approved ID and a password entered, the user is asked to select an application and is also offered a choice of voice or keyboard data entry by the screen shown in Figure 5(d). The example provided in Cilurzo et al. is if the user selects an application such as notes and selects voice data entry, the system then checks for a template of the user with the entered ID and password. If no voice template exists then the user must prepare a template by dictation of presented text to the system 608. With the template available, the user is

presented with an application screen as shown in Figure 5(e) and asked to dictate. When the dictation is complete and if necessary corrected, the user can close down the session.

Applicants respectfully submit that what is disclosed in Cilurzo et al. is a standard mechanism of preparing a voice template for a particular user that improves speech recognition. The scope of Cilurzo et al.'s teaching is essentially limited to the use of a voice template. There are a number of features recited in claim 1 related to a user profile that are not taught in this combination of references. Notably, the user profile in claim 1 includes user vocal information and at least one of data related to a communications device, a transducer and a probability value associated with a probability of the user being in a particular acoustic environment. There is nothing in Cilurzo et al. in column 5 cited in the Office Action that teaches or suggests this group of particular features being within a user profile. Furthermore, there is nothing in column 2 cited by the Office Action that teaches such features as is recited in claim 1. Furthermore, the combination of references also fails to teach a controller that is coupled to a memory that receives the user profile and then compensates at least one speech recognition model based on the user profile. Accordingly, Applicants respectfully submit that amended claim 1 is patentable over the combination of references and in condition for allowance. Claims 2-12 each depend from claim 1 and recite further limitations therefrom. Applicants accordingly submit that these claims are patentable and in condition for allowance.

Several claim amendments are not made for patentability but made for consistency throughout claims. For example, claim 4 and claim 12 include minor amendments to recite the user rather than "an end user". Similarly, claim 11 is broadened to remove a limitation and to make the claim consistent in the reference to the user.

Similarly, claim 13 is amended similar to claim 1 and accordingly, Applicants submit is patentable for the same reason. Claims 14 through 20 each depend from claim 13 and recite

further limitations therefrom. Accordingly, Applicants submit that these claims are patentable as well.

Similarly, claim 21 is amended in a similar manner to claim 1 and therefore includes limitations not taught or suggested in the combination of prior art. Accordingly, claim 21 and its dependent claims 22-32 are patentable as well.

Further, as note above, other minor claim amendments are made for consistency in referencing the user.

The amendments made above to the independent claims render the claims patentable and therefore Applicants decline to further comment on the remaining prior art Section 103 rejections other than to note that they do not acquiesce to any of the 103 combinations of references discussed in the Office Action.

CONCLUSION

Having addressed all rejections and objections, Applicants respectfully submit that the

subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

If necessary, the Commissioner for Patents is authorized to charge or credit the **Law Office of**

Thomas M. Isaacson, **Account No. 502960** for any deficiency or overpayment.

Respectfully submitted,

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